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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

Record of Committee Proceedings

Committee on Criminal Justice

Assembly Bill 518

Relating to: requiring a person to report a stolen or lost firearm, creating a database for stolen and lost firearms, and providing a penalty.

By Representatives Richards, Staskunas, Turner, Young, Pasch, Fields, Berceau, Colon, Grigsby, Sinicki, Kessler, Zepnick and Toles; cosponsored by Senators Coggs, Taylor and Lassa.

October 23, 2009 Referred to Committee on Criminal Justice.

December 10, 2009 **PUBLIC HEARING HELD**

Present: (9) Representatives Turner, Staskunas, Hraychuck, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Absent: (2) Representatives Kessler and Soletski.

Appearances For

- Brett Blomme — Office of State Rep. Jon Richards
- William Morales, Milwaukee — City of Milwaukee, Mayor's Office
- Ed Huck, Madison — WI Alliance of Cities
- Gary Gacek, Milwaukee — Captain, Milwaukee Police Department

Appearances Against

- Jeff Nass, Pulaski — WI-FORCE

Appearances for Information Only

- None.

Registrations For

- David Cullen — State Representative, 13th Assembly District
- Curt Witynski — League of WI Municipalities
- Jennifer Gonda, Milwaukee — City of Milwaukee
- Alice O'Connor — WI Chiefs of Police Association
- Jeri Bonavia — WI Anti-Violence Effort (WAVE)

Registrations Against

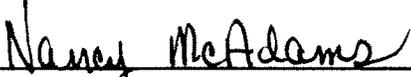
- Jordan Austin, Fairfax — National Rifle Association
- Jim Fendry — WI Pro Gun Movement

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.



Nancy McAdams
Committee Clerk





City of Fond du Lac Police Department

First on the Lake

Making Fond du Lac a safe place to live, learn, work and play!

NOV 13 2009

Tony Barthuly
Chief of Police

November 10, 2009

Wisconsin State Assembly – Criminal Justice Committee
Rep. Robert Turner, Chair
Room 223 North
State Capitol
P.O. Box 8953
Madison, WI 53708

Representative Robert Turner and honorable members of the Assembly Committee on Criminal Justice:

Please accept this letter in support of two bills coming before you for review regarding illegal firearm acquisition. They are AB 373 and AB 518. As you know, violent crime continues to be of concern to all members of law enforcement in Wisconsin including those Fond du Lac. More and more, weapons are being used to facilitate these criminal acts and guns are the favorite device of criminals. According to Crime in Wisconsin 2007 by the Wisconsin Office of Justice Assistance, 63 % of all murders, more than two-thirds of forcible rapes, more than half of all robberies and almost a third of all violent crimes in all were committed with firearms.

It has come to our attention that criminals are increasingly obtaining illegal firearms via two methods. The first is through the use of a “straw purchaser”. A straw purchaser is someone who buys a gun for a convicted felon which is a violation of federal law. The second is by theft. The theft of firearms is a large scale problem with at least half a million guns being stolen nationwide each year, according to a 1995 study published in the *The Journal of Criminal Law and Criminology*.

Assembly bills AB 373 and AB 518 are aimed specifically at addressing these two issues. AB 373 would provide that a person who intentionally gives false information on his or her state handgun purchase notification form on whether he or she intends to transfer the firearm to a convicted felon is guilty of a felony, and may be fined not less than \$500 or more than \$10,000, or sentenced to up to six years in prison. The bill also authorizes the state Department of Justice to prosecute such a violation. AB 518 is a bill aimed at addressing the problem of using stolen firearms in the commission of a crime. Under AB 518, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 48 hours of discovering the theft or loss. AB 518 also would create a disincentive for “straw purchasers” to obtain firearms for felons because they would not want a gun tracked back to them if it was used





City of Fond du Lac Police Department

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Tony Barthuly
Chief of Police

in the commission of a crime. This in turn can help reduce the supply of guns to criminals, and reduce the number of crimes committed in Wisconsin involving guns.

The Fond du Lac Police Department hopes the Committee will consider our support of these bills for passage into law. It is not the intent of our Department to support anti-gun or anti-hunting legislation. In fact, many of our members responsibly enjoy shooting and outdoor sports. Rather, the police department would simply like to reduce the illegal acquisition of firearms which could be used in the commission of criminal acts.

Respectfully Yours,

Tony Barthuly
Chief of Police







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GEORGE D. SCHERCK
Mayor

DATE: NOV. 11, 2009

TO: HONORABLE MEMBERS,

Assembly Committee on Criminal Justice

From: George Scherck, Mayor of Neenah

Re: AB 518

AB 518 is a reasonable bill aimed at addressing a nationwide problem: the use of stolen firearms in the commission of a crime. Under AB 518, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 48 hours of discovering the theft or loss.

AB 518 also would create a disincentive for "straw purchasers" to obtain firearms for felons because they would not want a gun tracked back to them if it was used in the commission of a crime. This in turn can help reduce the supply of guns to criminals, and reduce the number of crimes committed in Wisconsin involving guns.

The threat to public safety posed by the use of stolen guns cannot be overestimated.

In one national survey of state prison inmates, 10 % had stolen at least one gun, and 11% had sold or traded stolen guns.

And guns are the favorite device of criminals: according to Crime in Wisconsin 2007 by the Wisconsin Office of Justice Assistance, 63 % of all murders, more than two-thirds of forcible rapes, more than half of all robberies and almost a third of all violent crimes in all were committed with firearms.

*Police say five to 10 guns are reported stolen each week in Modesto, Calif., with a population a little less than Madison's. At least half a million guns are stolen nationwide each year, according to a 1995 study published in the *The Journal of Criminal Law and Criminology*. Assuming that gun thefts per capita are uniform across the country, that represents roughly 10,000 guns stolen each year in Wisconsin.*

CITY OF NEENAH
Office of the Mayor

November 10, 2009 – Page 2

AB 518 will provide law enforcement with more of the information needed to prevent crime and make the streets of Wisconsin safer places for our loved ones.

I hope you advance this important piece of legislation. Thank you.



Bob, FYI. N.

McAdams, Nancy

From: Blomme, Brett
Sent: Thursday, November 19, 2009 5:26 PM
To: McAdams, Nancy
Subject: AB 518

Hey Nancy,

Please put AB 518 on the hearing list for the 10th.

Thanks!

Brett

Brett Blomme

Office of Representative Jon Richards

(608) 266-0650

brett.blomme@legis.wisconsin.gov

AB518

ASSEMBLY BILL 518

An Act to amend 165.83 (2) (d), 175.37 (title) and 175.37 (2); and to create 165.83 (2) (dd), 175.36 and 175.37 (1m) of the statutes; relating to: requiring a person to report a stolen or lost firearm, creating a database for stolen and lost firearms, and providing a penalty. (FE)

2009

- 10-23-09. A. Introduced by Representatives Richards, Staskunas, Turner, Young, Pasch, Fields, Berceau, Colon, Grigsby, Sinicki, Kessler, Zepnick and Toles; cosponsored by Senators Coggs, Taylor and Lassa.
- 10-23-09. A. Read first time and referred to committee on Criminal Justice. **450**
- 11-04-09. A. Fiscal estimate received.
- 11-06-09. A. Fiscal estimate received.
- 11-06-09. A. Fiscal estimate received.





Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

December 7, 2009

Mr. Norm Jacobs
Acting Chief of Police
Beloit Police Department
100 State Street
Beloit, WI 53511

Dear Acting Chief Jacobs:

Representative Kim Hixon has forwarded copies of the letters you sent to him expressing your support for Assembly Bill 373 and Assembly Bill 518. I appreciated hearing from you on this legislation. In the future, please feel free to comment on any legislation pending in the Criminal Justice Committee. I welcome your views and experience.

Sincerely,

Robert L. Turner
Chair, Assembly Criminal Justice Committee

RLT/nam





Memorandum

To: Bob/Nancy
From: Lorna
Date: 12/10/2009
Re: E-mails opposing SB 367/AH518

We have over 125 e-mail messages this morning expressing opposition to SB 367, Sen. Coggs bill on reporting stolen firearms. I have only printed out the one from our district. I was not planning to print out all the others – some have addresses from around the state. Others have no addresses or even last names.





National Rifle Association of America
Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030-7400

Chairman Robert Turner
Assembly Committee on Criminal Justice
State Capitol
Madison, WI
Room

Chairman Turner,

December 10, 2009

My name is Jordan Austin and I am a registered lobbyist speaking on behalf of the National Rifle Association. I would like to register in opposition to AB 518.

This bill would require an individual to report a lost or stolen firearm within 48 hours from when the discovery is made. Failure to report this makes one guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses.

This bill will not prevent straw purchases in any way. Straw purchases are the most significant source of illegal guns in Wisconsin. Until straw purchases are made a felony at the state level in Wisconsin, all these other recommended solutions will do nothing to prevent crime or criminals acquiring illegal guns.

A more accurate title for this bill should be the Straw Purchaser Protection Act because it gives straw purchasers protection under the law. By calling in a lost or stolen gun they are granted a natural opt out. They buy guns, sell them illegally, break basement window, call the police, and claim the guns are stolen, then buy more and resell them with total protection.

A tragic flaw exists with this legislation that would criminalize law abiding citizens like me. I travel for work, sometimes for weeks at a time. If a gun is stolen from my house, and used in a crime, under this law I could be arrested when I return home and land at the airport. This also begs the question as to how law enforcement accurately determines when a "discovery" occurred. The law would technically be unenforceable unless they can somehow determine when someone discovers the missing firearm.

This bill also creates a database for storing firearm information. There is no limitation set as to who has access to the database and for what reasons. This same database could also be expanded upon to all include all firearms transactions. Another example of stepping stone anti-gun legislation that could be exploited to hinder the 2nd amendment rights of Wisconsin citizens.

AB 581 also does not require public announcement of this new requirement and, of course, ignorance of the law is no excuse.

The National Rifle Association strongly opposes AB 581 because it will turn victims of crimes into criminals and provide protections to those who are intent on breaking the law. We urge this committee to oppose this legislation.

Jordan Austin
State Lobbyist
NRA-ILA





STATE REPRESENTATIVE
JON RICHARDS

WISCONSIN STATE ASSEMBLY

Assembly Bill 518
Mandatory Reporting of Lost or Stolen Firearms
Testimony for the Assembly Criminal Justice Committee
December 10, 2009

With the amount of gun violence prevalent in Milwaukee and across the State, we must do everything we can to keep guns out of the hands of those who are not allowed to own them. We have seen the ramifications of felons having access to firearms in June of this year when two Milwaukee Police officers were shot by a felon who obtained the gun from a “straw purchaser.” Recently the Milwaukee Police Department has stepped up efforts to crack down on the “straw purchasing” of guns for felons. This legislation gives law enforcement another tool to assist them in getting illegal guns off our streets.

Firearms move into the illegal market through two means, trafficking and straw purchases. A straw purchase occurs when the actual buyer of a firearm uses another person (a straw purchaser) to execute the paperwork necessary to purchase a firearm from a firearms dealer with a Federal Firearms License.

If a firearm is located at a crime scene and it is traced back to the original purchaser, that individual could claim that the gun was either lost or stolen. This would allow an individual to conceal their involvement in gun trafficking or straw purchases.

This bill would require a person to report the theft or loss of a firearm to local law enforcement officials within 48 hours of discovery of the loss. This is a comprehensive approach to close a loophole in current law.

Requiring individuals to report firearms as lost or stolen will create a disincentive for straw purchasers to obtain firearms for felons or underage individuals because they would not want a gun tracked back to them if it was used during the commission of a crime. This in turn can help reduce the supply of guns to criminals, and help combat the number of crimes committed in Wisconsin involving a firearm.





Assembly Bill 518:

William Morales - M.A.I.G. Regional Coordinator; Mayor Barrett's Office of Violence Prevention

Date?

My name is William Morales and I am Mayor Barrett's regional coordinator to the Mayors Against Illegal Guns national coalition.

I am here to speak in support of Assembly Bill 518. This bill will require a gun owner who has a lost or stolen firearm to file a report with law enforcement within 48 hours of discovering their firearm is lost or stolen. This should be common sense for any responsible firearm owner.

We all know where our cars are and if we discovered it was missing we would report it to the police immediately. The reasons are simple. We want our property returned to us. We do not want to be held responsible for any harm or damage that is caused by our stolen automobile. And of course, it is the reasonable and responsible thing to do.

This applies to firearm ownership also. All responsible firearms owners know where their guns are and if one was missing would report it immediately. We would do this because we want our property return to us. It is also the reasonable, responsible and moral thing to do. Because with a firearm, there is a concern for being held partially or falsely responsible for any crimes or harm committed with our gun that was lost or stolen. We also have a moral obligation to notify the proper authorities that there is another dangerous weapon loose in our community. A responsible person would not want it on their conscience that someone could get hurt or killed with their firearm and they did nothing. Reporting to law enforcement that your firearm was lost or stolen upon discovery removes those concerns and fulfills our moral obligation to public safety.

I am currently on a leave of absence from the Milwaukee Police Department while I fulfill the obligations of my current position. I am a 20 year veteran from the department and over those years have recovered numerous property items that were suspected to be stolen. Many of those were firearms. It is difficult to return property to the rightful owner unless it was properly reported in the first place. It is also difficult to hold criminals responsible for their crimes unless those crimes are reported. Mandatory reporting would make it possible to return recovered stolen firearms to the rightful owner and aid in holding those criminals responsible.

This bill would aid law enforcement in identifying possible straw purchasers. These are the people who have a clean criminal record and are not prohibited from legally purchasing a firearm. They then for many reasons, sell or give the firearm to a known prohibited person. These individuals, the straw purchaser, would come to the attention of law enforcement for failing to report a lost or stolen gun or have a pattern of lost or stolen firearms that end up at crime scenes. We need to know why a person has multiple weapons that end up at crime scenes. Through the investigative process it would become apparent what their original intention were for purchasing the firearm and who they provided it to. This legislation would allow the investigation to take place and aid in holding gun traffickers and straw purchasers accountable.

Assembly Bill 518:

William Morales - M.A.I.G. Regional Coordinator; Mayor Barrett's Office of Violence Prevention

This would only affect individuals that are purposely not reporting a gun missing or obstructing law enforcement by making false reports. The responsible gun owner will not be adversely affected by this.

Remember, we all know where our cars are, shouldn't we know where our guns are? If they are missing, shouldn't we report it?

I am also a Life Member of the National Rifle Association and a competitive shooter. I have a small collection of firearms and believe that I am a responsible firearms owner. I do not want to be held responsibility if a firearm I own is lost or stolen and is used in a crime that ends in a homicide. When my firearm is recovered, I also want my property back as soon as possible.

Mayor Barrett was one of the founding members of Mayors Against Illegal Guns, which is a bi-partisan coalition of over 500 Mayors. This coalition of Mayors works closely with their Police Chiefs in search of reasonable solutions to gun violence while strongly supporting the second amendment.

Mandatory reporting of a lost or stolen firearm is one of the reasonable solutions supported by the National coalition of Mayors Against Illegal Guns.

Citizens have a right to be protected from violent criminals. Mayors and Law Enforcement are duty bound to provide that protection. Currently Mayor Barrett is working with Milwaukee Police Chief Ed Flynn and Milwaukee County, District Attorney, John Chisholm on reasonable solutions that enhance the solvability of gun crimes and have a positive effect in preventing gun violence. We have focused on 4 areas:

- straw purchase would be charged with a felony greater than what is in current law.
- Second offense of carrying concealed weapon- firearm offense upgraded to a felony.
- Require Felons to stay 1,000 feet away from a firearm retailer or gun show.
- Mandatory reporting of Lost or Stolen firearm to Law Enforcement within 48 hours.

This bill is a reasonable common sense solution that aids in the reduction of gun violence, while strongly supporting the second amendment by holding criminals responsible.

I thank you for your time .